IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No.988 of 2001.

Date of decision: 1.1.2007

Har Sukh **Petitioner**

Versus

Deputy Commissioner and another **Respondents**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?[1] *no*

For the Petitioners : **Mr. Ashwani Sharma, Advocate**

For the respondents : **Mr. Rajan Dewan, Addl. A.G.**

Dev Darshan Sud, J (oral).

The petitioner is aggrieved by the order Annexure P-1, which has been passed by the Chief Medical Officer, District Kinnaur at Rampur, whereby the licence for selling meat, which was granted to the petitioner, has been cancelled. The grievance of the petitioner is that the order has been passed in grave violation of the principles of natural justice, inasmuch as no show cause notice has been given to him nor has he been heard in the matter. The other grounds taken by the petitioner are not being dealt with in the present petition.

In reply, the respondents have supported the order by placing on record the minutes of meeting held on 2.8.2001 of the Special Area Development Authority,

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***? yes

Reckong Peo under the Chairmanship of Shri O.C. Sharma, who was also the Deputy Commissioner. The cancellation is justified on the ground that unhygienic conditions were prevailing in the area, which has also been recited in the impugned order Annexure P-1. Proceedings further show that selling of meat was allowed to only seven vendors who had been allotted shops near Punjab National Bank.

I have heard learned counsel for the parties. It is undisputed that the principles of natural justice now form integral part of constitutional jurisprudence. Respondents could not initiate *ex parte* proceedings against the petitioner and cancel his licence on the facts which have been gathered by them behind his back and which have not been put to him. From the record, I do not find any circumstance which would necessitate dispensing with the compliance of the principles of natural justice. The law on the point is settled in ***State of Orissa*** Vs. **Dr (Miss) Binapani Dei and others**, *AIR 1967 SC 1269,* which has been followed consistently that any order which has civil consequences must be preceded by an enquiry and must comply with the principles of natural justice which include the right to know the material on which the order is based, the right of making a representation and the right to a hearing.

In these circumstances, Annexure P-1 is quashed and set aside and the respondents are directed to hear the petitioner and to pass a speaking order. The

petitioner will be given an opportunity of being heard and to make such representation in writing as he may desire. However, this order would not entitle the petitioner to have his licence of selling meat renewed *ipsofacto*, but would abide by the order which has been passed in the inquiry.

January 1, 2007 **(Dev Darshan Sud)**
(ss) **Judge**